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INDIRA GANDHI'S TROUBLES, AND JANATA'S

ANNCR:

THE INDIAN GOVERNMENT HAS TAKEN THE FIRST STEPS TOWARD POSSIBLE PROSECUTION OF FORMER PRIME MINISTER INDIRA GANDHI FOR ALLEGED EXCESSES COMMITTED DURING HER EMERGENCY RULE. BUT THE PROCESS MAY NOT BE A SPEEDY ONE, AS WE HEAR IN THIS BACKGROUND REPORT FROM CORRESPONDENT FRED BROWN.

VQICE:

THE GOVERNMENT FILED SIX CHARGES, ALL OF THEM CRIMINAL, AGAINST MISSUS GANDHI AND SIX FORMER AIDES, INCLUDING HER SON SANJAY, WHO WERE HELD PRINCIPALLY RESPONSIBLE FOR EXCESSES DURING THE TWENTY AND ONE HALF MONTHS OF EMERGENCY RULE. THE FORMER PRIME MINISTER FIGURES IN THREE OF THE CHARGES: ABUSE OF AUTHORITY AND DETENTION OF OPPOSITION POLITICAL FIGURES, DETENTION OF SEVEN PUBLIC PERSONALITIES, AND HARASSMENT OF OFFICIALS WHO WERE INVESTIGATING THE CONTROVERSIAL MARUTTI AUTOMOBILE PROJECT PROMOTED BY SANJAY GANDHI.

THE CHARGES GREW OUT OF THE FINDINGS OF THE SHAH COMMISSION, A COMMISSION OF INQUIRY HEADED BY FORMER CHIEF JUSTICE J.C. SHAH. FILING OF THE CHARGES FOLLOWED CONSIDERABLE CONTROVERSY IN INDIA OVER WHAT TO DO WITH THE SHAH COMMISSION REPORT. LATE LAST MONTH, HOME MINISTER CHARAN SINGH WAS DISMISSED FROM HIS POST AFTER HE SHARPLY CRITICIZED PRIME MINISTER MORARJI DESAI AND OTHERS IN THE JANATA PARTY FOR NOT MOVING FAST ENOUGH TO BRING MISSUS GANDHI TO JUSTICE. CHARAN SINGH'S CRITICISM REFLECTED THE FEELING AMONG MANY INDIANS THAT MISSUS GANDHI AND HER AIDES WERE BEING ALLOWED TO ESCAPE PUNISHMENT FOR ACTIONS THAT HAD BROUGHT SUFFERING TO MILLIONS. IN BRINGING THE CHARGES, THE

JANATA GOVERNMENT APPEARS TO BE TRYING TO BLUNT SUCH CRITICISM. ON THE OTHER HAND, THE MEMORY OF THE EMBARRASSMENT SUFFERED LAST YEAR WHEN MISSUS GANDHI WAS DETAINED BRIEFLY ON CHARGES THAT DID NOT STICK IS STILL FRESH IN EVERYONE'S MIND. DURING THE PAST YEAR, MISSUS GANDHI HAS EMERGED AS A HEAD OF A BREAK-AWAY FACTION OF THE CONGRESS PARTY THAT HAS MORE THAN ONCE PROVED ITS STRENGTH IN STATE AND LOCAL ELECTIONS.

ONE OF THE DIFFICULTIES FACING THE GOVERNMENT IN THE SITUATION STEMS FROM THE FACT THAT THE MAIN CHARGE LEVELED AGAINST MISSUS GANDHI BY THE SHAH COMMISSION IS A POLITICAL CHARGE -- THAT IS, THE ALLEGATION THAT SHE INVOKED THE EMERGENCY WITHOUT JUSTIFICATION, FOR THE SOLE PURPOSE OF PERPETUATING HERSELF IN POWER. THIS, AFTER AN INDIAN COURT FOUND HER GUILTY OF ELECTION MALPRACTICES. LEGAL AUTHORITIES SAY SUCH A CHARGE WOULD BE DIFFICULT TO PROSECUTE ON THE BASIS OF EXISTING LAWS. SOME OF THE OTHER MORE SERIOUS ALLEGATIONS MADE AGAINST MISSUS GANDHI, SUCH AS HER ALLEGED SUBVERSION OF DEMOCRACY, ALSO ARE OF A GENERAL NATURE NOT COVERED BY EXISTING LAWS.

GOVERNMENT OFFICIALS REALIZE THAT ANY EFFORT TO TRY HER ON SUCH CHARGES COULD BACKFIRE. ON THE OTHER HAND, MISSUS GANDHI COULD ARGUE THAT TRYING HER ON LESSER CHARGES, A COURSE THE GOVERNMENT APPARENTLY HAS DECIDED TO TAKE, PROVES THAT AUTHORITIES HAVE NO REAL CASE AND ARE MERELY ENGAGED IN A POLITICAL VENDETTA BECAUSE OF HER CRITICISM OF GOVERNMENT POLICIES. THIS IS PART OF THE DILEMMA FACING INDIA'S JANATA GOVERNMENT. SOME OBSERVERS ALSO BELIEVE THAT MEMORIES OF THE EMERGENCY EXCESSES HAVE DIMMED IN THE PAST YEAR, A TREND THAT SEEMS TO BE BORNE OUT BY ELECTION RESULTS IN SEVERAL NORTHERN STATES. THUS, THERE IS A FEAR THAT INSTEAD OF LOSING POLITICALLY BY A TRIAL, MISSUS GANDHI COULD MAKE FURTHER POLITICAL GAINS.